

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMOS TATE,)
Plaintiff,)
)
V.) Civil Action 05-175 Erie
)
MAYOR OF THE CITY OF ERIE, PA et. al.,)
Defendants.)

ORDER

AND NOW, this 18th day of April, 2006, upon consideration of the Defendants Motion for Summary Judgment (Doc. No. 17)

IT IS HEREBY ORDERED that the same be and hereby is GRANTED.

By way of brief background a status conference was previously scheduled on November 29, 2005, and plaintiff failed to appear despite notice. The plaintiff failed to perfect service on defendant Magistrate Sue Mack, and said defendant was dismissed by order of court dated April 4, 2006. On April 4, 2006, defendants filed a Motion for Summary Judgment with Supporting Brief. Thereafter, this court entered an order dated April 4, 2006 which stated in relevant part:

IT IS HEREBY ORDERED that the Plaintiff file a Brief in Opposition to this Motion on or before April 17, 2006. Failure to comply with this Order will result in the dismissal of this action for failure to prosecute.

The plaintiff has failed to file a response to the defendants Motion for Summary Judgment.

The court concludes that dismissal is appropriate for failure to prosecute. The Plaintiff is personally responsible for his inactivity on this case. The defendants are prejudiced by plaintiffs failure and the plaintiff has demonstrated a history of non compliance with court orders. It would appear that the conduct is willful and the Court can think of no other sanction that would be effective other then dismissal. Finally, the Court does not find the plaintiffs claim to be meritorious. *Poulis v. State Farm Fire and Cas. Co.*, 747F2d 863,868 (3d Cir.1984).

The Clerk is directed to mark this case closed.

s/Sean J. McLaughlin
SEAN J. MCLAUGHLIN
UNITED STATES DISTRICT JUDGE

cc: parties of record